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10/562,343	08/09/2006	Ari Kahn	504899.00002	4122
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Reed Smith LLP P.O. Box 488 Pittsburgh, PA 15230-0488			EXAMINER NGUYEN, PHUNG HOANG JOSEPH	
			ART UNIT	PAPER NUMBER
			2614	
			NOTIFICATION DATE	DELIVERY MODE
			07/15/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/562,343	<b>Applicant(s)</b> KAHN, ARI	
	<b>Examiner</b> PHUNG-HOANG J. NGUYEN	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/9/10</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Applicant's amendment filed 4/30/2010 has been carefully considered and has been entered. Current standing of the claims:

Claims amended: 1, 2, 7, 9, 10, 11 and 19.

Claims cancelled: 3.

Claims pending: 1, 2 and 4-19 with claim 1 being independent.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-6 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over **Albal et al in view of Dobbins et al (US Pat 6711171) and/or** Belser et al (US Pat 6449279).

3. Claim 1, Albal teaches a method of operating a telephony service on a telephony network, the method comprising:

(a) establishing a connection between a caller and a call recipient (**Fig. 1 showing the communication connection between users 20 and 32 via devices 12 and 22 through the networks 14 and 18 with node 16. The communication devices 12, 22 of the communication system 10 can be utilized by end users 20, 32 to access and/or connect with the communication node 16, col. 1, line 61 – col. 2, line 45. See further info at the examiner's argument**);

Art Unit: 2614

(b) receiving a command signal on a network device during the call process **(the end user may perform a variety of tasks or transactions, which may include, for example, storing account identification information, preferably commenced by the reception of a command signal at a communication node at block 520. The communication node may receive the command signal from a communication device, col. 5, lines 6-12); and**

(c) initiating a transaction between the caller and the call recipient **(the end user may perform a variety of tasks or transactions, which may include, for example, storing account identification information, preferably commenced by the reception of a command signal at a communication node at block 520. The communication node may receive the command signal from a communication device, col. 5, lines 6-12), in response to receiving the command signal, the transaction being other than a standard call connection transaction (The input signal is preferably received when the end user accesses the services of the communication node, such as, for example, dialing into the communication node from a communication device. The input signal may include a telephone number, an Electronic Serial Number (ESN), a login name or password (as in the case of a PC), or any other presently known method of accessing the communication node, Col. 4, lines 57-64), the transaction affecting billing for the telephonic connection (the billing server unit 238 can record data about the use of the communication node 212 by an end user (e.g., length of calls, features accessed by the end user, etc.). Upon completion of a call by an end user, the call control unit 236 sends**

Art Unit: 2614

**data to the billing server unit 238. The billing server unit 238 can subsequently process the data in order to prepare customer bills. The billing server unit 238 can use the ANI or CLI of the communication device to properly bill the end user, col. 10, lines 54-61. Also see fig. 2, col. 2, line 64 – col. 3, line 62 for how an end user may conduct a transaction...); and**

wherein the command signal is transmitted from a communication device of either the caller or call recipient (***The communication node may receive the command signal from a communication device, col. 5, line 12***) and wherein the command signal is other than a standard call connect (***The input signal is preferably received when the end user accesses the services of the communication node, such as, for example, dialing into the communication node from a communication device. The input signal may include a telephone number, an Electronic Serial Number (ESN), a login name or password (as in the case of a PC), or any other presently known method of accessing the communication node, Col. 4, lines 57-64.***

While Albal does not **explicitly** teach the steps (a) and (b) during the call process, wherein the call process includes at least a call set-up phase, a logical association phase, and a call connect phase;

Examiner would like to offer several positions in regard to the claimed feature.

(i) Examiner was privileged to be employed by Lucent Technology (Currently Alcatel-Lucent Technology) serving as switching technical support engineer for class 5 system (5ESS) and MSC (Mobile Switching Center) services from July 1996 to August

Art Unit: 2614

2007. Examiner understands that for a call process itself by inherent nature of design to be complete, it must at least include a call set-up phase, a logical association phase, and a call connect phase; During this time, digit analysis will be performed for a telephonic call or for other forms of addresses (IP address, destination ID) to be analyzed and authenticated for a data call. These phases are required for completion connection.

Therefore examiner holds that it is obvious to the ordinary artisan at the time of the invention was made to clearly define that the at least three phases of set-up (or originating), connect (or send), and logical association must be present and that is a functional element of design.

(ii) Examiner further provides several arts that support this common design in a call process.

(a) Dobbins et al (US Pat 6711171) teaches the claim feature as he discusses "Three phases generally occur during connection-oriented communications, including connection establishment, data transfer, and connection termination. In the connection establishment phase, the first time a source has data to be sent to a destination, a logical association, also called a connection or a path, is established between the source and the destination. The connection defines elements and connections between the elements, for example, the switches between the source and the destination, and the ports of the switches through which the data will pass. The path setup at the establishment phase is the path on which the data will be transmitted for the duration of the active connection (col. 7. line 62- col. 8, line 6).

It would have been obvious to the ordinary artisan at the time of the invention was made to use the teaching of Dobbins in combination with Albal to clearly define that the at least three phases of set-up (or originating), connect (or send), and logical association must be present and that is a functional element of design.

(b) Belser et al (US Pat 6449279) teaches the claimed feature as he discusses In general, there are three phases which occur during a connection-oriented communication : connection establishment; data transfer; and connection termination. In the connection establishment phase, the first time a source has data to be sent to a destination, a logical association, also called a connection or a path, is established between the source and the destination. The connection defines nodes and connections between the nodes, for example, the switches between the source and destination, and the ports of the switches through which the data will pass. The path set up at the establishment phase is the path on which the data will be transmitted for the duration of the active connection. During the data transfer phase, data is transmitted from the source to the destination along the connection, which includes the port-to-port connections of the switches. Generally, after a certain amount of time, or at the occurrence of a certain event, the connection enters the termination phase, in which the connection is terminated, and the switches which made up the connection are freed to support other connections (col. 2, lines 9-27).

It would have been obvious to the ordinary artisan at the time of the invention was made to use the teaching of Belser in combination with Albal to clearly define that

Art Unit: 2614

the at least three phases of set-up (or originating), connect (or send), and logical association must be present and that is a functional element of design.

Claim 4, Albal teaches transmitting a prompt indicating a request to provide the command signal ( ***voice announcements and/or messages to prompt the end user to provide inputs to the communication node 212 using voice commands or DTMF signals, col. 8, lines 10-18***).

Claims 5 and 6, Albal teaches the transaction is automatically initiated in response to at least one criteria; and at least one criteria is an attribute associated with the caller or call recipient (***end user 20 may conduct a transaction, such as, for example, a credit card, a debit card, a charge card, a prepaid card, a smart card, a telephony card, an e-check or a wire transfer, col. 3, lines 1-4***).

**Claim 2 is rejected under 35 U.S.C.103 (a) as being unpatentable over Albal in view of Wieczorek (EP 1 271 911).**

Claim 2, Albal does not... but Wieczorek teach method of operating a telephony service wherein the received command signal overrides a conventional billing protocol of the telephony network supporting the telephony service (the system being of the type in which calls are normally billed to calling party. Now before the establishment of the call, called party is presented the charging option where by the called opts to pay for some or all cost, par. 0009).

Therefore it would have been obvious to the ordinary artisan to incorporate the teaching of Wieczorek into the teaching of Albal to clearly provide the option for either or both calling and called parties an opportunity to pay for some or all the cost of the



Art Unit: 2614

telephone transaction. This option would overcome the conventional billing protocol that has been practiced in the past.

Claim 7, see claim 1 (c).

**Claim 8 is rejected under 35 U.S.C.103 (a) as being unpatentable over Albal in view of Parsons et al (US Pub 2002/0085701).**

Albal teaches operating a telephony service but does not teach the command signal is appended to a dialed telephone number.

Parsons teaches the feature of appending a message to a dialed number as Parsons discusses *“the IVR may be further configured to allow certain or all of these messages to be appended with numeric information (since callers almost universally will be able to enter numbers via a phone keypad). For example, the “call me” message can be appended with the caller’s phone number. The IVR 214 provides the messaging application 210 with the caller’s message selection and any appended message information, [0102]”* to provide unified communications and messaging management based on a user’s presence information, (Abstract)”.

Therefore it would have been obvious to the ordinary skilled artisan at the time of the invention was made to incorporate the teaching of Parsons into the teaching of Albal for the purpose of enhancing the telephone service by not just sending the telephone number for connection but also unifying the telephone number and the appended signal or code of service (e.g., billing, charging, banking, restaurant...) as one to the recipient.

**Claims 9-13 and 19 are rejected under 35 U.S.C.103 (a) as being unpatentable over Albal in view of Guibourge (US Pub 2004/0119755).**

As to claims 9-13 and 19, Albal teaches operating a telephony service wherein initiating the caller and call recipient comprises initiating a transmission of a data signal, wherein the data signal is associated with an activation of at least one key of communication device (see *claim 1*). Furthermore (as specifically to claim 12), Albal teaches the command signal is received from a telephone, and wherein the telephone, upon activation of a dedicated key, transmits the command signal (*The communication node 212 also includes a detection unit 260. The detection unit 260 is preferably a phrase or key word spotter unit, detecting incoming audio inputs or communications or DTMF signals from the end user, col. 10, lines 33-37*).

Albal does not teach:

a plurality of keys associated with a plurality of transactions, wherein each of the plurality of keys is associated with a single transaction from among the plurality of transactions;

wherein the plurality of keys comprise at least one of a "\*" key associated with telephony and billing functions, a "0" key associated with interactive network operator and information services access, and a "#" key associated with commercial banking transactions between the caller and the call recipient;

the dedicated key is selected from a group comprising a "@" symbol, a color coded key, a programmable key, a menu item, and a button; and

the command signal is transmitted from the telephone equipment of the caller by operation of one individual key on said telephone equipment.

Guibourge teaches "quick dialing methods and systems for use with communications devices are described. Such communications devices are often characterized by a limited keypad to enter and access contact numbers. The described quick dialing technique reduces the number of keys used to dial a number, and thus a device using the technique may be operated blindly or with one hand, par. 0005).

Furthermore, Guibourge teaches attributes such as colors, sounds, text fonts, graphics (i.e., pictures, icons, photos, images, animations, and bitmaps), and sorting methods are optionally assigned to lists and to the contacts within each list. When a contact is selected or dialed by actuating a key, for example, color and sound attributes associated with the list containing the contact are displayed, thereby providing visual and non-visual cues that correct keys have been actuated.

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time the invention was made to incorporate the teachings of Guibourge into Albal for the purpose of providing the greater service to the subscriber who can program their phone and assign a specific function or service for different key on the pad. Few examples are listed as banking, movie, school, library, restaurant, friend or family and many more. It is also leave the choices to the subscriber to assign any specific key to his or her choice of service. If one would want to associate the "#" key with commercial banking transactions, it would be his/her choice. If one would want to color-coded or (illumination) light-code, it would also be his/her choice. Even from the development

Art Unit: 2614

perspective, it would also be obvious to practice that it is an engineering design to assign a specific key of choice to specific function or service for the most convenience. (Examiner's point of clarification: It is well-known in the art that key "0" was reserved for the network operator and information services access. However, with the big leap of telephonic advancement with so many pioneering developments in this filed, greater demands for better and quick service came along, key "0" is now reserved for interacting with the network operator while "411" is assigned to the information services access. Similar in practice, "911" is for emergency).

Claim 14, Albal teaches a method of operating a telephony service wherein the command signal is received from a telephone, and wherein the telephone, upon activation of a biometric trigger, transmits the command signal ***(voice personality, speech recognition models ...col. 6, lines 45-54).***

Claim 15, Albal teaches operating a telephony service wherein the command signal comprises an audio tone transmitted from a mobile telephone ***(audio inputs or communications or DTMF signals from the end user, col. 10, lines 33-37).***

Claim 16, Albal teaches a method of operating a telephony service comprising automatically associating a function indicated by the command signal with the caller as identified by a telephone number of the caller ***(the end user can access the electronic network 206 by dialing a single direct access telephone number (e.g., a foreign exchange telephone number, a local telephone number, or a toll-free telephone number or PBX) from the communication device 201, col. 5, lines 48-52).***

Art Unit: 2614

Claims 17 and 18, Albal teaches the telephone number of the caller is derived from a caller line identity (CLI); and automatically associating the transaction with the command signal based on the call recipient ***(when an end user accesses the electronic network 206 from a communication device 201, 202, 203, 204, 205 registered with the system (e.g., home telephone, work telephone, cellular telephone, etc.), the communication node 212 can by-pass an end user screening option and automatically identify the end user (or the type of communication device) through the use of ANI or CLI, Col. 6, lines 55-61).***

### ***Response to Arguments***

Applicant's arguments, with regards to the claims, have been fully considered but they are not persuasive.

Applicant argues that (quoting the key point):

Albal does not teach or suggest that a command signal is received during the call process, where the command signal initiate a transaction between the caller and call recipient.... and the Examiner incorrectly equates the "communication node" to be call recipient.

Examiner respectfully disagrees. Based on the applicant's definition of call recipient... "The call recipient may be any person, company or other entity with a directory and/or dialed telephone number, [0004]".

The communication node as defined by the prior art is well within the interpretation/ definition of the current application where call recipient is an entity. And Communication node is certainly an entity based on the knowledge available to the ordinary artisan.

Furthermore, Albal clearly states "the communication node 212 can be integrated with the carrier network 216 or can be located remote from the carrier network 216. It is also contemplated that **the communication node 212 may be integrated into a communication device, such as, for example, a wire-line or wireless telephone, a radio device, a PC, a PDA, a PIM,** etc., and can be programmed to connect or link directly to an information source, col. 7, lines 60 – 66.

And furthermore, Albal teaches "Once the end user has accessed the communication system 200, the end user may implement a wide variety of services and features ... The communication system 200 can place outbound calls and pages to business and personal parties or contacts (e.g., friends, clients, business associates, family members, etc.) in response to DTMF signals or voice commands. The calls can be routed through a telephone or electronic network to the selected party and the pagers can be sent to a selected party via a paging system. The communication system 200 can also receive calls routed through a telephone or electronic network, col. 7, lines 19-34".

Here clearly, Albal also teaches that the communication can also take place between parties (persons, callers, terminals, stations, such as, 201, 202, 203, 204 and 205).

For the above reason, examiner respectfully holds firm to the act that the communication does take place between caller and call recipient.

## CONCLUSION

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUNG-HOANG J. NGUYEN whose telephone number is (571)270-1949. The examiner can normally be reached on Monday to Thursday, 8:30AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571 272 7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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